

REMARKS

Claims 1-9, 11-13, 16, 18-35, and 37 were rejected. Claims 1, 4-9, 12, 16, 21, 24, 25-26, 31, 32, 34, and 37 have been amended. As amended, reconsideration and allowance are respectfully requested.

Claim Rejections – 35 USC § 103

Claims 1-9, 11-13, 16, 18-35, and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 2002/0120561 to Chin et al. (“Chin”) in view of US Patent No. 5,787,443 to Palmer (“Palmer”). Claims 1, 4-9, 12, 16, 21, 24, 25-26, 31, 32, 34, and 37 have been amended. As amended, this rejection is respectfully traversed and reconsideration is requested.

U.S. customs brokers may create a comprehensive “entry packet” based on a wide variety of information which they receive from several parties, such as importers, suppliers, freight forwarders, surety agents, and bankers. The brokers may submit these completed entry packets to U.S. Customs on behalf of importers. Each entry packet may include a completed U.S. Customs Form 7501. The form may set forth tariffs that must be paid on imported products and may be accompanied with other documents, such as commercial invoices, shipping manifests, etc.

Customs brokers sometimes make mistakes when completing and assembling entry packets. For example, they may set forth erroneous information, attach a wrong document, or omit required information. Amended claim 1 is directed to a novel method that methodically catches these mistakes.

Amended Claim 1 requires an importer to receive a copy of an entry packet from a customs broker which the custom broker submitted to U.S. Customs. The copy of the entry packet must contain information relating to a shipment for importation. The importer must enter the entry packet into a first repository in a database. The importer must consult a second repository in the database which contains records of the importer that are relevant to a plurality of imported goods. The importer must compare the copy of the entry packet in the first repository with the records of the importer in the second repository, identify one or more discrepancies between the copy of the entry packet and the records, and generate a report identifying the one or more discrepancies between the copy of the entry packet and the records.

Chin takes a fundamentally different approach to mistakes made by customs brokers. Instead of auditing copies of entry packets that customs brokers create to catch mistakes within them, Chin minimizes the occurrence of the mistakes in the first instance. Chin has all parties to the transaction – importers, customs brokers, suppliers, freight forwarders, surety agents, bankers, and even U.S. Customs itself – access and manipulate a common database of information under the control of database management software. Chin generates the U.S. Customs form 7501 based on input from all of the participants, again obviating mistakes in the first instance. As correctly recognized by the Examiner, “Chin discloses the concept of entering data into a database for the purpose of filing an entry packet with customs.” (Emphasis added.)

Chin’s fundamentally different approach causes Chin not to disclose any of the elements of amended Claim 1.

The first two element of amended Claim 1 collectively require the importer to receive from the customs broker the entry packet that the customs broker submitted to U.S. Customs and to enter that information into a repository in a database. The Examiner states on page 15 of the Office Action that “a user files an entry summary document” in Chin and that a broker can be a user. It is true that a broker can be a user in Chin. However, it is not correct to state that “a user files an entry summary document” in Chin. The paragraph in Chin on which the Examiner relies for this statement merely indicates that a form on a screen allows information to be populated of the type that is required on a Customs form 7501.¹ It does not indicate that a user “files an entry summary document.” Customs. In Chin, the importer does not receive from the customs broker the entry packet that the customs broker submitted to U.S. Customs and enter that information

¹ Paragraph [0120] states:

The “File An Entry Summary Document” page 212 corresponds to U.S. Customs form 7501. The fields on this page and other pages may be enabled with a “glide over” help feature, which provides information on the fields and how to populate them. Some of the fields will be initially populated based on the information from an organization’s profile, which is established during system registration. The user can also choose a supplier from a list they specified in their organization profile. The user must populate such information as the HTC for products being imported, the quantity, value and port of entry. The user may select from a list of available HTC, which they have declared in their organizational profile. Based on the selected HTC, the system calculates the required duties associated with the shipment.

into a repository in a database, all as required by amended Claim 1. And as recognized by the Examiner, Chin does not audit that information. Thus, Chin lacks every element of amended Claim 1. Further, and as noted above, Chin implements a fundamentally different type of process. The process of amended Claim 1 audits information which has already been submitted to U.S. customs; Chin assembles that information in the first instance.

Palmer discloses the general idea of auditing data. Palmer was alleged by the Examiner to render Claim 1 obvious in combination with Chin based on the assumption that Chin disclosed the first two elements of Claim 1. As explained above, however, Chin does not disclose either of these elements (at least as they have now been amended).

Applicant also respectfully disagrees that there was a reason to modify Chin to have the importer audit the data in the entry packets against data in the importer's database. Applicant agrees that it is important for customs data to be accurate. However, the integrated Chin system inherently produced accurate entry packets because it populated these packets from the original source data. There was no opportunity for a broker to error in this duplication. It therefore would have made no sense to have nevertheless compared this populated data with the original source data, because the submitted data was itself populated from by the computer from the source data in the first instance. Unlike the integrated Chin process, the broker data which the importer receives in amended Claim 1 may well be different from the importer's source data.

Claims 16, 24 and 34 are similar to Claim 1 and are patentable in view of Chin and Palmer for similar reasons.

Claims 2-9, 11-13, 18-23, 25-33, and 37 are dependent upon Claim 1, 16, 24 or 34 and thus are also patentable in view of Chin and Palmer.

Claims 8 and 37 also require HTS classifications that are assigned by the customs broker to be compared to HTS classifications that are stored in a product dictionary. This feature is not disclosed in either Chin or Palmer, either alone or in combination. Column 3, lines 17-59 of Palmer – the sole information cited by the Examiner in support of the rejection of the additional element recited in these claims -- does not disclose that HTS codes should be compared. Applicant notes the Examiner's statement in the last Office Action that Palmer teaches "comparing two set[s] of records." However, Claims 8 and 37 are far more specific. They require

a comparison of one specific type of data (HTS classifications); they require that one of the data types have been assigned by the customs broker; and they require that the other type of data be from a specific source (the importer) and stored in a specific location (a product dictionary). Plainly, a generic teaching does not render obvious all of its millions of possible species. Were the law otherwise, there would be no improvement patents.

Claims 9 and 37 also require attribute classifications that are assigned by the customs broker to be compared to attribute classifications that are stored in a product dictionary. As explained in the specification of this application, "attribute classifications" are attributes that may subject the product to additional or different tariffs. This feature is also not disclosed in either Chin or Palmer, either alone or in combination. Applicant notes the Examiner is construing "attribute classifications" broadly. Even with a broad construction, however, these claims require a comparison of a specific type of data (attribute classifications assigned by a customs broker) to other data in a specific location (a product dictionary). Again, a generic teaching does not render obvious all of its millions of possible species.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance and early notice of the same is earnestly requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper or any other paper or matter in this application, including extension of time fees, to Deposit Account 501946, and please credit any excess fees to such deposit account.

Respectfully submitted,

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